
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

ROBERTO FERNANDEZ GOMEZ,

Plaintiff,

versus

BRYAN COLLIER,

Defendant.

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CIVIL ACTION NO. 9:24-CV-198

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Roberto Fernandez Gomez, a prisoner confined at the Wainwright Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Bryan Collier. Plaintiff sought leave to proceed *in forma pauperis*.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the action pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.


The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes

the objections are without merit. Texas prisoners do not have a right to parole that is protected by the United States Constitution or federal law. *Johnson v. Rodriguez*, 110 F.3d 299, 308 (5th Cir. 1997). Because Plaintiff does not have a liberty interest in parole, he cannot challenge the constitutionality of state parole procedures. *Wansley v. Mississippi Dep't of Corr.*, 769 F.3d 309, 312-13 (5th Cir. 2014).

ORDER

Accordingly, Plaintiff's objections (#4) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#2) is **ADOPTED**. A final judgment will be entered in accordance with this order.

SIGNED at Beaumont, Texas, this 7th day of January, 2025.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE